

Applicants : MINCHIOTTI, et al. Atty. Dkt. No. : 1118-PCT-US
USSN : 10/550,498 Art Unit : 1647
Filed : November 21, 2005 Date of Office Action: October 1, 2008
Examiner : Daniel C. Gamett Date of Response : October 29, 2008
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Election/Restrictions Requirement

The Examiner to whom this application is assigned indicated that under 35 U.S.C. § 121 and 35 U.S.C. 372, as well as PCT Rules 13.1 and 13.2, restriction to one of the following groups of inventions is required:

- I. Group I, claim(s) 1-12, drawn to compositions and methods comprising cardiomyocyte differentiation of stem cells by administration of a protein of the EGF-CFC family or its derivatives, which comprises at least the EGF and CFC domains.
- II. Group II, claim(s) 13-18 and 20-22, drawn to compositions and methods comprising neuronal differentiation of stem cells by inhibiting crypto activity or expression.

In response, Applicants respectfully traverse the above restriction.

Under 37 C.F.R. 1.475(b), an international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

- (1) A product and a process specially adapted for the manufacture of said product; or
- (2) A product and process of use of said product; or
- (3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; or
- (4) A process and an apparatus or means specifically designed for carrying out the said process; or

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(5) A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process.

Applicants submit that claims 1-18 and 20-22, Group I. and Group II. fall within the auspices of class (3) of the above enumerated categories. Applicants further submit that said claims do not require restriction as they are connected by a single relationship (i.e. a single general inventive concept), namely, the utilization of a protein of the EGF-CFC family or inhibitors of EGF-CFC family proteins (in this instance, inhibitors to Cripto), to induce cellular differentiation, the results of which may be used as means of treatment. The compositions and methods identified by the examiner as comprising neuronal differentiation of stem cells by inhibiting Cripto activity or expression (Group II) clearly depends on a special technical feature of utilization or manipulation of a member of the EGF-CFC family of proteins (mentioned in Group I).

Accordingly, Applicants respectfully request reconsideration and withdrawal of the restriction of claims 1-18 and 20-22.

Election of Invention

In the event the above discussion does not convince the Examiner to withdraw the restriction requirement, Applicants hereby elect Group I., claims 1-12 for examination.

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If a telephone interview would be of assistance in advancing the prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below. No fee is deemed necessary in connection with the filing of this Response. However, if a fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

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